SB CRIMINAL REVISION PETITION NO.988/06.

Laxman & Ors. Vs. State & anr.

7.9.2006.

**HON'BLE MR.JUSTICE HARBANS LAL**

Mr. V.D. Sharma for the petitioners.
Mr. Arun Sharma PP for the State.

This revision petition under Section 397 read with 401 Cr.P.C. is directed against the order dated 23.8.2006 whereby the learned Addl. Sessions Judge (Fast Track) Kishangarhbas, Alwar has on the application moved by the prosecution amended the charges and has framed charge under Section 307 IPC read with Section 149 IPC instead of charge under Section 307 IPC.

Learned counsel for the petitioner contends that in view of the amended charge, the petitioner could not have been denied the opportunity of cross examination of witnesses. But a perusal of the impugned order dated 23.8.2006 passed by the learned court below makes it abundantly clear that the accused-petitioners have already cross examined the witnesses in detail as regards the charge under Section 307 IPC. The amendment in question is formal. It does not in any way prejudice the rights of the petitioners. This apart, the order impugned being an interlocutory order, revision against such an order is barred under Section 397(2) Cr.P.C.

In this view of the matter, therefore, I find no case for admission of this revision petition and the same is hereby dismissed.

**(HARBANS LAL)J.**